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UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

	:	Case No. 21-11586 (CMG)
In re	:	Chapter 7
	:	
Justino Roman and	:	
Mary Roman,	:	The Honorable Christine M. Gravelle
	:	
	:	Hearing Date: July 20, 2021, at 2:00 p.m.
Debtors.	:	
	:	

**CERTIFICATION OF KIRSTEN K. ARDELEAN IN SUPPORT OF MOTION BY THE  
UNITED STATES TRUSTEE FOR AN ORDER DISMISSING CASE FOR ABUSE  
UNDER 11 U.S.C. § 707(b)(1) BASED ON THE TOTALITY OF THE  
CIRCUMSTANCES OF THE DEBTORS' FINANCIAL SITUATION  
UNDER 11 U.S.C. § 707(b)(3)(B)**

The United States Trustee, by and through counsel, in furtherance of his duties and responsibilities under 28 U.S.C. §§ 586(a)(3) and (5), respectfully moves for an order dismissing the above-captioned case for abuse under 11 U.S.C. §§ 707(b)(1) and (3).

In support of the Motion, I, Kirsten K. Ardelean, of full age, hereby certify as follows:

1. I am employed as a Bankruptcy Analyst by the Office of the United States Trustee ("U.S. Trustee") in Newark, New Jersey. My duties include the review of chapter 7 petitions, schedules, statements of financial affairs, and other documents to determine whether a motion to

dismiss for abuse under 11 U.S.C. § 707(b) or a complaint objecting to discharge under 11 U.S.C. § 727 may be warranted.

2. My knowledge of the matters addressed in this certification is derived from: (i) my review of the docket for Case No. 21-11586(CMG); (ii) my review of the documents contained on that docket; and (iii) my review of the recording of the 11 U.S.C. § 341(a) meeting of creditors for the debtors in this case, Justino Roman and Mary Roman (“Debtors”).

***Background and Procedural History***

3. On February 26, 2021, the Debtors, by and through counsel, filed a voluntary petition (“Petition”) for relief under chapter 7 of title 11 of the United States Code, along with bankruptcy schedules and various other documents. See Case No. 21-11586(CMG), Docket Entry 1.

4. The docket reflects that on February 27, 2021, Bunce Atkinson Esq. was appointed as the chapter 7 trustee. See Docket Entry 3.

5. A meeting of creditors pursuant to 11 U.S.C. § 341(a) was scheduled for March 31, 2021. See *id.*

6. The Debtors’ Petition states that their obligations are primarily consumer debts, a prerequisite for dismissal of a chapter 7 case pursuant to 11 U.S.C. § 707(b). See Docket Entry 1 at 6, ¶ 16a.

7. On the signature page of the Petition, the Debtors signed below a statement declaring under penalty of perjury that the information provided in the Petition was true and correct. *Id.* at part 7.

8. The docket reflects the last day to oppose discharge or dischargeability is June 1, 2021. See Docket Entry 3.

***Information Regarding Assets and Debts Contained in the Debtors' Petition and Schedules***

9. Schedule A/B filed in support of the Debtors' Petition discloses that the Debtors Do not own any real property. *See* Docket Entry 1 at page 10.

10. Schedule A/B also discloses the Debtors' interest in the following vehicles: a 2005 Nissan Sentra worth \$150.00; a 2010 Nissan Altima worth \$150.00; and a 2010 Hyundai Elantra worth \$1,046.00. *See id.*

11. Schedule A/B filed in support of the Debtors' Petition discloses certain personal property assets including household goods and furnishings valued at \$840, electronics valued at \$1,630, clothing valued at \$1,500, jewelry valued at \$775, cash on hand valued at \$275, and deposits of money at a Provident Bank valued at \$59. *See id* at 11 - 13. These personal property assets together with the motor vehicles have a value of \$6,425. *See id* at 14.

12. Schedules D filed in support of the Debtors' petition discloses secured debts totaling \$8,226.00. Of this total, \$8,226.00 is attributable to Ally Financial and \$0.00 appears to be attributable to Marlton Auto. *See id* at page 17.

13. Schedules E/F filed in support of the Debtors' petition discloses unsecured non-priority debts totaling \$18,011. This debt appears to be attributable to primarily consumer credit card and loan obligations. *See id* at pages 19 – 34, ¶¶ 6i and 6j.

14. Schedule G does not disclose any executory contracts and leases for the Debtors. *See id* at 35.

15. Schedule I filed in support of the Petition discloses that Debtor 1 is employed by A Plus Letter Service Inc. as an Operator. *See id* at 37.

16. Schedule I further reports Debtor 1 has a total net monthly take-home pay of \$4,692.74. *See id* at 38.

17. Schedule I filed in support of the Petition discloses that Debtor 2 is employed by Colts Neck Pediatrics, Inc. as a medical assistant. *See id* at 37.

18. Schedule I further reports Debtor 2 has a total net monthly take-home pay of \$2,141.47. *See id* at 38.

19. Schedule I reports that the Debtors combined monthly net income is \$6,834.21. *See id*.

20. In response to the question, “Do you expect an increase or decrease within the year after you file this form?”, the Debtors answered “No”. *See id* at 38.

21. Schedule J filed in support of the Petition reports the Debtors have an 18-year-old daughter, and a 16-year-old son. *See id.* at page 39.

22. Schedule J also discloses estimated monthly expenses for the Debtors’ four-person household totaling \$3,200.85, resulting in a monthly surplus of \$3,633.36. *See id.* at 40-41 ¶¶ 22a, 23b, and 23c.

23. In response to the question “Do you expect an increase or decrease in your expenses within the year after you file this form?”, the Debtors answered “No.” *Id.*

24. The Debtors signed a declaration under penalty of perjury stating that the information in their schedules is true and correct. *See id* at 42.

25. The Statement of Financial Affairs for Individuals Filing for Bankruptcy (“SOFA”) filed in support of the Petition states at ¶ 4 that the Debtor 1 received a gross income from employment of \$65,257.00 in 2019 and Debtor 2 received a gross income from employment of \$35,322 in 2019. *See id.* at 43 & 44 ¶ 4.

26. No year-to-date income from employment is disclosed on the SOFA for calendar year 2021, and no income from employment is disclosed for calendar year 2020. *See id.*

27. The SOFA filed in support of the Petition discloses no other income for the Debtors during this year and the two previous years. *See id.* at 44 ¶ 5.

28. The Debtors signed a declaration under penalty of perjury that the information contained in the Statement of Financial Affairs is true and correct. *See id.* at 47.

29. On *Official Form 122A-1- Chapter 7 Statement of Your Current Monthly Income* (“Form 122A-1”), the Debtors’ disclose their combined “current monthly income” as \$6,214.68 for the six months preceding the filing of the Petition. *See id.* at 51. The Debtors calculated that this income, when annualized, resulted in an income of \$74,576.16, for a four-person household. *See id.* at Part 2, ¶¶ 12 & 13.

30. The Debtors checked the box on Form 122A-1 and declared that there is no presumption of abuse. *See id.* at 50.

31. The Debtors signed a statement declaring under penalty of perjury that the information provided in their Form 122A-1 was true and correct. *See id.* at 52, Part 3.

***Pursuant to Section 707(b)(3)(B), the Debtors Have Sufficient Disposable Income to Fund a Chapter 13 Plan***

32. As set forth above, Schedule I and Schedule J report a monthly surplus of \$3,633.36.

33. As set forth above, schedules E/F filed in support of the Debtors’ petition discloses unsecured non-priority debts totaling \$18,011.00.

34. Accordingly, with no adjustments to income and expenses there is sufficient disposable income available to pay a 100% dividend to unsecured creditors in approximately six months.

I certify that the foregoing statements made by me are true. I understand that if any of the foregoing statements are willfully false, I may be subject to punishment.

By: /s/Kirsten K. Ardelean  
Kirsten K. Ardelean  
Bankruptcy Analyst

DATED: June 1, 2021